



*The*  
**Development**  
*Manager Ltd.*

## **Data Protection Policy**

The Development Manager (TDM) is required to keep and process certain information about its staff members, learners, their families, volunteers and external contractors in accordance with its legal obligations under data protection legislation.

TDM may, from time to time, be required to share personal information about its staff or learners with other organisations, mainly the DfE and educational bodies, and potentially learner's services.

This policy is in place to ensure all staff and governors are aware of their responsibilities and outlines how TDM complies with the following core principles of the UK GDPR.

Organisational methods for keeping data secure are imperative, and TDM believes that it is good practice to keep clear practical policies, backed up by written procedures.

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## Legal Framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018 (DPA)
- Freedom of Information Act 2000
- Electronic Commerce (EC Directive) Regulations 2002
- The Privacy and Electronic Communications (EC Directive) Regulations 2003
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- The Education (Pupil Information) (England) Regulations 2005 (as amended in 2018)
- Protection of Freedoms Act 2012
- DfE (2024) 'Keeping children safe in education 2024'

This policy also has regard to the following guidance:

- ICO (2022) 'Guide to the UK General Data Protection Regulation (UK GDPR)'
- ICO (2012) 'IT asset disposal for organisations'
- DfE (2023) Generative artificial intelligence (AI) in education

This policy operates in conjunction with the following TDM policies:

- Acceptable use and Data handling Policy
- Clear desk Policy
- Cyber-security Policy
- Devices User Agreement Policy
- Freedom of Information Policy
- Records Management Policy
- Staff ICT and Electronic Devices Policy

## Applicable Data

For the purpose of this policy, **'personal data'** refers to information that relates to an identifiable, living individual, including information such as an online identifier, e.g. an IP address. The UK GDPR applies to both automated personal data and to manual filing systems, where personal data is accessible according to specific criteria, as well as to chronologically ordered data and pseudonymised data, e.g. key-coded.

**'Sensitive personal data'** is referred to in the UK GDPR as 'special categories of personal data', and is defined as:

- Genetic data.
- Biometric data.
- Data concerning health.
- Data concerning a person's sex life.
- Data concerning a person's sexual orientation.
- Personal data which reveals:
  - Racial or ethnic origin.
  - Political opinions.
  - Religious or philosophical beliefs.
  - Trade union membership.
  - Principles.

'Sensitive personal data' does not include data about criminal allegations, proceedings or convictions. In the case of criminal offence data, TDMs are only able to process this if it is either:

- Under the control of official authority; or

- Authorised by domestic law.

The latter point can only be used if the conditions of the reason for storing and requiring the data fall into one of the conditions below:

- The processing is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred by law on the controller of the data subject in connection with employment, social security, social protection, health or social care purposes, public health, and research.

In accordance with the requirements outlined in the UK GDPR, personal data will be:

- Processed lawfully, fairly and in a transparent manner in relation to individuals.
- Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered incompatible with the initial purposes.
- Adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
- Accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
- Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods, insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, subject to implementation of the appropriate technical and organisational measures required by the UK GDPR in order to safeguard the rights and freedoms of individuals.
- Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

The UK GDPR also requires that “the controller shall be responsible for, and able to demonstrate, compliance with” the above principles.

## Accountability

TDM will implement appropriate technical and organisational measures to demonstrate that data is processed in line with the principles set out in the UK GDPR and DPA, and will provide comprehensive, clear and transparent privacy policies. TDM will also provide evidence that it is complying with UK GDPR and DPA.

Records of activities relating to higher risk processing will be maintained, such as the processing of activities that:

- Are not occasional.
- Could result in a risk to the rights and freedoms of individuals.
- Involve the processing of special categories of data or criminal conviction and offence data.

Internal records of processing activities will include the following:

- Name and details of the organisation
- Purpose(s) of the processing
- Description of the categories of individuals and personal data
- Retention schedules
- Categories of recipients of personal data
- Description of technical and organisational security measures
- Details of transfers to third countries, including documentation of the transfer mechanism safeguards in place

TDM will also document other aspects of compliance with the UK GDPR and DPA where this is deemed appropriate in certain circumstances by the DPL, including the following:

- Information required for privacy notices, e.g. the lawful basis for the processing
- Records of consent
- Controller-processor contracts
- The location of personal data
- Data Protection Impact Assessment (DPIA) reports
- Records of personal data breaches

TDM will implement measures that meet the principles of data protection by design and data protection by default, such as:

- Minimising the processing of personal data.
- Pseudonymising personal data as soon as possible.
- Ensuring transparency in respect of the functions and processing of personal data.
- Allowing individuals to monitor processing.
- Continuously creating and improving security features.

DPIAs will be used to identify and reduce data protection risks, where appropriate.

## **Data Protection Lead (DPL)**

The DPL will be the central point of contact for all data subjects and others in relation to matters of data protection.

The DPL will:

- Inform and advise TDM and its employees about their obligations to comply with the UK GDPR and other data protection laws.
- Monitor TDM compliance with the UK GDPR and other laws, including managing internal data protection activities, advising on DPIAs, conducting internal audits, and providing the required training to staff members.
- Cooperate with the ICO and act as the first point of contact for the ICO and for individuals whose data is being processed.

The DPL is responsible for:

- Coordinating a proactive and preventative approach to data protection.
- Calculating and evaluating the risks associated with TDM data processing.
- Having regard to the nature, scope, context, and purposes of all data processing.
- Prioritising and focussing on more risky activities, e.g. where special category data is being processed.
- Promoting a culture of privacy awareness throughout the business community.
- Carrying out ad hoc reviews of data practices to ensure staff understand and are acting in accordance with relevant data protection laws.

The DPL will have professional experience and be highly knowledgeable about data protection law, particularly that in relation to further education.

The DPL will operate independently and will not be dismissed or penalised for performing their duties. Sufficient resources and appropriate access will be provided to the DPL to enable them to meet their UK GDPR obligations.

The DPL will report to the highest level of management at TDM, which is the governing board.

Staff will ensure that they involve the DPL in all data protection matters closely and in a timely manner.

The DPL is Jonathan Barrett and his details are:

Jonathan Barrett

County House,

St Mary's Street,

Worcester

WR1 1HB

Email: [Jon.Barrett@tdm.co.uk](mailto:Jon.Barrett@tdm.co.uk)

Telephone: 0333 10 100 40

## Lawful Processing

The legal basis for processing data will be identified and documented prior to data being processed. Under the UK GDPR, data will be lawfully processed under the following conditions:

- The consent of the data subject has been obtained
- Processing is necessary for a contract held with the individual, or because they have asked TDM to take specific steps before entering into a contract
- Processing is necessary for compliance with a legal obligation (not including contractual obligations)
- Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller
- Processing is necessary for protecting vital interests of a data subject or another person, i.e. to protect someone's life
- Processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, except where such interests are overridden by the interests, rights or freedoms of the data subject – this condition is not available to processing undertaken by TDM in the performance of its tasks

TDM will only process personal data without consent where any of the above purposes cannot reasonably be achieved by other, less intrusive means or by processing less data.

Sensitive data will only be processed under the following conditions:

- Explicit consent of the data subject
- Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent
- Processing relates to personal data manifestly made public by the data subject
- Processing is necessary for:
  - Carrying out obligations under employment, social security or social protection law, or a collective agreement
  - Protecting the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent
  - The establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity
  - Reasons of substantial public interest with a basis in law which is proportionate to the aim pursued and which contains appropriate safeguards
  - The purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or

- treatment or management of health or social care systems and services with a basis in law
  - Reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices
  - Archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with a basis in law
- When none of the above apply, consent will be obtained by the data subject to the processing of their special category personal data.

TDM will ensure that it has privacy notices established which clearly outline the reasons why it needs to collect personal data. The privacy notice will include the following explicit details:

- Why the TDM needs to collect personal data
- What TDM plans to do with the personal data
- How long the TDM will keep the personal data
- Whether the TDM will share the personal data with any external organisations

The privacy notice will be clear and accessible to data subjects. The privacy notice will also be reviewed by the TDM's DPL at least annually and whenever significant changes are made to how TDM processes the data that it collects.

TDM will ensure that any learners and staff whose personal data is included will be notified of any significant changes to the privacy notice or the way in which TDM processes the data.

For personal data to be processed fairly, data subjects must be made aware:

- That the personal data is being processed.
- Why the personal data is being processed.
- What the lawful basis is for that processing.
- Whether the personal data will be shared, and if so, with whom.
- The existence of the data subject's rights in relation to the processing of that personal data.
- The right of the data subject to raise a complaint with the ICO in relation to any processing.

TDM has a privacy notice, which outlines the information above that is specific to them.

There may be circumstances where it is considered necessary to process personal data or special category personal data in order to protect the vital interests of a data subject. This may include medical emergencies where it is not possible for the data subject to give consent to the processing. In such circumstances, the DPL will be consulted and a decision made only after seeking further clarification.

Where TDM relies on:

- 'Performance of contract' to process a learner's data, TDM considers the learner's competence to understand what they are agreeing to, and to enter into a contract.
- 'Legitimate interests' to process a learner's data, TDM takes responsibility for identifying the risks and consequences of the processing.
- Consent to process a learner's data, TDM ensures that the requirements outlined in the '[Consent](#)' section are met, and TDM does not exploit any imbalance of power in the relationship between TDM and the learner.

## Consent

Consent must be a positive indication expressly confirmed in words. It cannot be inferred from silence, inactivity, a positive action without words or pre-ticked boxes. Consent will only be accepted where it is freely given, specific, informed and an unambiguous indication of the individual's wishes. Consent can be withdrawn by the individual at any time.

Where consent is given, a record will be kept documenting how and when consent was given, and what the data subject was told.

TDM ensures that consent mechanisms meet the standards of the UK GDPR. Where the standard of consent cannot be met, an alternative legal basis for processing the data must be found, or the processing must cease. Consent accepted under the DPA will be reviewed to ensure it meets the standards of the UK GDPR; however, acceptable consent obtained under the DPA will not be reobtained.

When learners and staff join TDM, the staff member or learner will be required to complete a consent form for personal data use. This consent form deals with the taking and use of photographs and videos, amongst other things. Where appropriate, third parties may also be required to complete a consent form.

## **The Right to be Informed**

Adults and learners have the same right to be informed about how TDM uses their data. The privacy notices supplied to individuals, including learners, in regard to the processing of their personal data will be written in clear, plain, appropriate language which is concise, transparent, easily accessible and free of charge.

In relation to data obtained both directly from the data subject and not obtained directly from the data subject, the following information will be supplied within the privacy notice:

- The identity and contact details of the controller, the controller's representative, where applicable, and the DPL
- The purpose of, and the lawful basis for, processing the data
- The legitimate interests of the controller or third party
- Any recipient or categories of recipients of the personal data
- Details of transfers to third countries and the safeguards in place
- The retention period of criteria used to determine the retention period
- The existence of the data subject's rights, including the right to:
  - Withdraw consent at any time
  - Lodge a complaint with a supervisory authority
- The existence of automated decision making, including profiling, how decisions are made, the significance of the process and the consequences

Where data is obtained directly from the data subject, information regarding whether the provision of personal data is part of a statutory or contractual requirement, as well as any possible consequences of failing to provide the personal data, will be provided – this information will be supplied at the time the data is obtained.

Where data is not obtained directly from the data subject, information regarding the categories of personal data that TDM holds, the source that the personal data originates from and whether it came from publicly accessible sources, will be provided – this information will be supplied:

- Within one month of having obtained the data.
- If disclosure to another recipient is envisaged, at the latest, before the data are disclosed.
- If the data are used to communicate with the individual, at the latest, when the first communication takes place.

## **The Right of Access**

Individuals, including learners, have the right to obtain a copy of their personal data as well as other supplementary information, including confirmation that their data is being processed, and the right to submit a subject access request (SAR) to gain access to their personal data in order to verify the

lawfulness of the processing. TDM will verify the identity of the person making the request before any information is supplied.

A copy of the information will be supplied to the individual free of charge; however, TDM may impose a 'reasonable fee' to cover the administrative costs of complying with requests that are manifestly unfounded or excessive or if an individual requests further copies of the same information. Where a request is manifestly unfounded, excessive or repetitive, a reasonable fee will be charged. All fees will be based on the administrative cost of providing the information.

Where a SAR has been made electronically, the information will be provided in a commonly used electronic format.

All requests will be responded to without delay and at the latest, within one month of receipt. In the event of numerous or complex requests, the period of compliance will be extended by a further two months. The individual will be informed of this extension, and will receive an explanation of why the extension is necessary, within one month of the receipt of the request.

Where a request is manifestly unfounded or excessive, TDM holds the right to refuse to respond to the request. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

TDM will ensure that information released in response to a SAR does not disclose personal data of another individual. If responding to the SAR in the usual way would disclose such data, TDM will:

- Omit certain elements from the response if another individual's personal data would be disclosed otherwise.
- Reject requests that cannot be fulfilled without disclosing another individual's personal data, unless that individual consents or it is reasonable to comply without consent.
- Explain to the individual who made the SAR why their request could not be responded to in full.

In the event that a large quantity of information is being processed about an individual, TDM will ask the individual to specify the information the request is in relation to – the time limit for responding to the request will be paused until clarification from the individual is received.

## **The Right to Rectification**

Individuals, including learners, are entitled to have any inaccurate or incomplete personal data rectified.

Requests for rectification will be responded to within one month; this will be extended by two months where the request for rectification is complex.

Requests for rectification will be investigated and resolved, where appropriate, free of charge; however, TDM may impose a 'reasonable fee' to cover the administrative costs of complying with requests that are manifestly unfounded or excessive or if an individual makes multiple requests at once. TDM reserves the right to refuse to process requests for rectification if they are manifestly unfounded or excessive or if exemptions apply.

TDM will take reasonable steps to ensure that data is accurate or is rectified if inaccurate, implementing a proportional response for data that has a significant impact on the individual, e.g. if significant decisions are made using that data. TDM will restrict processing of the data in question whilst its accuracy is being verified, where possible.

Where the personal data in question has been disclosed to third parties, TDM will inform them of the rectification where possible. Where appropriate, TDM will inform the individual about the third parties that the data has been disclosed to.

Where no action is being taken in response to a request for rectification, or where the request has been investigated and the data has been found to be accurate, TDM will explain the reason for this to the

individual, and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

## **The Right to Erasure**

Individuals, including learners, hold the right to request the deletion or removal of personal data where there is no compelling reason for its continued processing. Individuals, including learner, have the right to erasure in the following circumstances:

- Where the personal data is no longer necessary in relation to the purpose for which it was originally collected or processed
- When the individual withdraws their consent where consent was the lawful basis on which the processing of the data relied
- When the individual objects to the processing and there is no overriding legitimate interest for continuing the processing
- The personal data was unlawfully processed
- The personal data is required to be erased in order to comply with a legal obligation
- The personal data is processed in relation to the offer of information society services to a learner

TDM will comply with the request for erasure without undue delay and at the latest within one month of receipt of the request.

TDM has the right to refuse a request for erasure where the personal data is being processed for the following reasons:

- To exercise the right of freedom of expression and information
- To comply with a legal obligation for the performance of a public interest task or exercise of official authority
- For public health purposes in the public interest
- For archiving purposes in the public interest, scientific research, historical research or statistical purposes
- The establishment, exercise or defence of legal claims

TDM has the right to refuse a request for erasure for special category data where processing is necessary for:

- Public health purposes in the public interest, e.g. protecting against serious cross-border threats to health.
- Purposes of preventative or occupational medicine, the working capacity of an employee, medical diagnosis, the provision of health or social care, or the management of health or social care systems or services.

Requests for erasure will be handled free of charge; however, TDM may impose a 'reasonable fee' to cover the administrative costs of complying with requests that are manifestly unfounded or excessive or if an individual makes multiple requests at once.

Where personal data has been disclosed to third parties, they will be informed about the erasure of the personal data, unless it is impossible or involves disproportionate effort to do so. Where personal data has been made public within an online environment, TDM will inform other organisations who process the personal data to erase links to and copies of the personal data in question.

## **The Right to Restrict Processing**

Individuals, including learners, have the right to block or suppress TDM's processing of personal data.

TDM will restrict the processing of personal data in the following circumstances:

- Where an individual contests the accuracy of the personal data, processing will be restricted until TDM has verified the accuracy of the data

- Where an individual has objected to the processing and TDM is considering whether their legitimate grounds override those of the individual
- Where processing is unlawful and the individual opposes erasure and requests restriction instead
- Where TDM no longer needs the personal data but the individual requires the data to establish, exercise or defend a legal claim

In the event that processing is restricted, TDM will store the personal data, but not further process it, guaranteeing that just enough information about the individual has been retained to ensure that the restriction is respected in future. TDM will inform individuals when a restriction on processing has been lifted.

Where TDM is restricting the processing of personal data in response to a request, it will make that data inaccessible to others, where possible, e.g. by temporarily moving the data to another processing system or unpublishing published data from a website.

If the personal data in question has been disclosed to third parties, TDM will inform them about the restriction on the processing of the personal data, unless it is impossible or involves disproportionate effort to do so.

TDM reserves the right to refuse requests for restricting processing if they are manifestly unfounded or excessive or if exemptions apply. The individual will be informed of this decision and the reasoning behind it, as well as their right to complain to the supervisory authority and to a judicial remedy, within one month of the refusal.

## **The Right to Data Portability**

Individuals, including learners, have the right to obtain and reuse their personal data for their own purposes across different services. The right to data portability only applies in the following cases:

- Where personal data has been provided directly by an individual to a controller
- Where the processing is based on the individual's consent or for the performance of a contract
- When processing is carried out by automated means

Personal data can be easily moved, copied or transferred from one ICT environment to another in a safe and secure manner, without hindrance to usability. Personal data will be provided in a structured, commonly used and machine-readable form. Where feasible, data will be transmitted directly to another organisation at the request of the individual. TDM will not be required to adopt or maintain processing systems which are technically compatible with other organisations.

TDM will provide the information free of charge.

In the event that the personal data concerns more than one individual, TDM will consider whether providing the information would prejudice the rights of any other individual.

TDM will respond to any requests for portability within one month. Where the request is complex, or a number of requests have been received, the time frame can be extended by two months, ensuring that the individual is informed of the extension and the reasoning behind it within one month of the receipt of the request.

Where no action is being taken in response to a request, TDM will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

## **The Right to Object**

TDM will inform individuals, including learners, of their right to object at the first point of communication, and this information will be outlined in the privacy notice and explicitly brought to the

attention of the data subject, ensuring that it is presented clearly and separately from any other information. Individuals, including learner, have the right to object to the following:

- Processing based on legitimate interests or the performance of a task in the public interest
- Processing used for direct marketing purposes
- Processing for purposes of scientific or historical research and statistics.

Where personal data is processed for the performance of a legal task or legitimate interests:

- An individual's grounds for objecting must relate to his or her particular situation.
- TDM will stop processing the individual's personal data unless the processing is for the establishment, exercise or defence of legal claims, or, where TDM can demonstrate compelling legitimate grounds for the processing, which override the interests, rights and freedoms of the individual.
- TDM will respond to objections proportionally, granting more weight to an individual's objection if the processing of their data is causing them substantial damage or distress.

Where personal data is processed for direct marketing purposes:

- The right to object is absolute and TDM will stop processing personal data for direct marketing purposes as soon as an objection is received.
- TDM cannot refuse an individual's objection regarding data that is being processed for direct marketing purposes.
- TDM will retain only enough information about the individual to ensure that the individual's preference not to receive direct marketing is respected in future.

Where personal data is processed for research purposes:

- The individual must have grounds relating to their particular situation in order to exercise their right to object.
- Where the processing of personal data is necessary for the performance of a public interest task, TDM is not required to comply with an objection to the processing of the data.

Where the processing activity is outlined above, but is carried out online, TDM will offer a method for individuals to object online.

The DPL will ensure that details are recorded for all objections received, including those made by telephone or in person, and will clarify each objection with the individual making the request to avoid later disputes or misunderstandings. TDM will respond to all objections without undue delay and within one month of receiving the objection; this may be extended by a further two months if the request is complex or repetitive.

Where no action is being taken in response to an objection, TDM will, without delay and at the latest within one month, explain to the individual the reason for this and will inform them of their right to complain to the supervisory authority and to a judicial remedy.

## **Informing Data Subjects**

TDM ensures that learners and staff whose data is processed by TDM are clearly and explicitly informed about how TDM deals with their personal data. The privacy notice will outline the features and functions TDM's use of personal data, but the privacy notice itself must be easily accessible to all who wish to view it.

TDM will share its privacy notice with learners:

- On the TDM website.

TDM will share its privacy notice with staff through:

- On the TDM website.
- On the TDM Hub SharePoint.

## Information Rights Requests

As well as the right to rectification, TDM will recognise that its learners have information rights, meaning that they have the right to access or amend any personal information that is held about them. The most common of these are SAR.

A learner can make an information rights request relating to any of the following:

- Changing any inaccurate information that the TDM holds about them
- Removing their personal information or record from the TDM's systems
- Restricting the TDM from processing any data held on the Learner
- Stopping the school from processing any personal data entirely

TDM will respond to any information rights request submitted verbally or in writing within one calendar month. If the case is deemed to be complex, then TDM will extend the response deadline by an extra two calendar months. TDM will ensure that staff are trained to recognise how to respond to information rights requests and how to differentiate between different types of information rights requests.

## Automated Decision Making and Profiling

TDM will only ever conduct solely automated decision making with legal or similarly significant effects if the decision is:

- Necessary for entering into or performance of a contract.
- Authorised by law.
- Based on the individual's explicit consent.

Automated decisions will not concern a learner nor use special category personal data, unless:

- TDM has the explicit consent of the individual.
- The processing is necessary for reasons of substantial public interest.

TDM will conduct a DPIA for automated decision making to mitigate risk of errors, bias and discrimination.

TDM will ensure that individuals concerned are given specific information about the processing and an opportunity to challenge or request a review of the decision.

Individuals have the right not to be subject to a decision when both of the following conditions are met:

- It is based on automated processing, e.g. profiling
- It produces a legal effect or a similarly significant effect on the individual

TDM will take steps to ensure that individuals are able to obtain human intervention, express their point of view, and obtain an explanation of the decision and challenge it.

When automatically processing personal data for profiling purposes, TDM will ensure that the appropriate safeguards are in place, including:

- Ensuring processing is fair and transparent by providing meaningful information about the logic involved, as well as the significance and the predicted impact.
- Using appropriate mathematical or statistical procedures.
- Implementing appropriate technical and organisational measures to enable inaccuracies to be corrected and minimise the risk of errors.
- Securing personal data in a way that is proportionate to the risk to the interests and rights of the individual and prevents discriminatory effects.

## Data Protection by Design and Default

TDM will act in accordance with the UK GDPR by adopting a data protection by design and default approach and implementing technical and organisational measures which demonstrate how TDM has considered and integrated data protection into all aspects of processing activities. In line with the data protection by default approach, TDM will ensure that only data that is necessary to achieve its specific purpose will be processed.

TDM will implement a data protection by design and default approach by using a number of methods, including, but not limited to:

- Considering data protection issues as part of the design and implementation of systems, services and practices.
- Making data protection an essential component of the core functionality of processing systems and services.
- Automatically protecting personal data in TDM ICT systems.
- Implementing basic technical measures within TDM network and ICT systems to ensure data is kept secure.
- Promoting the identity of the DPL as a point of contact.
- Ensuring that documents are written in plain language so individuals can easily understand what is being done with personal data.

## **Data Protection Impact Assessments (DPIAs)**

DPIAs will be used in certain circumstances to identify the most effective method of complying with TDM's data protection obligations and meeting individuals' expectations of privacy. DPIAs will allow TDM to identify and resolve problems at an early stage, thus reducing associated costs and preventing damage from being caused to TDM's reputation which might otherwise occur. A DPIA will be carried out when using new technologies or when the processing is likely to result in a high risk to the rights and freedoms of individuals, and will be used for more than one project, where necessary.

High risk processing includes, but is not limited to, the following:

- Systematic and extensive processing activities, such as profiling
- Large scale processing of special categories of data or personal data which is in relation to criminal convictions or offences
- The use of CCTV

TDM will ensure that all DPIAs include the following information:

- A description of the processing operations and the purposes
- An assessment of the necessity and proportionality of the processing in relation to the purpose
- An outline of the risks to individuals
- The measures implemented in order to address risk

Where a DPIA indicates high risk data processing, TDM will consult the ICO to seek its opinion as to whether the processing operation complies with the UK GDPR.

## **Data Breaches**

The term 'personal data breach' refers to a breach of security which has led to the destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. The Business Operations Manager will ensure that all staff are made aware of, and understand, what constitutes a data breach as part of their training.

Effective and robust breach detection, investigation and internal reporting procedures are in place at TDM, which facilitate decision-making in relation to whether the relevant supervisory authority or the public need to be notified.

Where TDM faces a data security incident, the DPL will coordinate an effort to establish whether a personal data breach has occurred, assess the significance of any breach, and take prompt and appropriate steps to address it.

All notifiable breaches will be reported to the relevant supervisory authority within 72 hours of TDM becoming aware of it. Where a breach is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed, and the individuals concerned will be contacted directly. A 'high risk' breach means that the threshold for notifying the individual is higher than that for notifying the relevant supervisory authority. The risk of the breach having a detrimental effect on the individual, and the need to notify the relevant supervisory authority, will be assessed on a case-by-case basis. In the event that a breach is sufficiently serious, the public will be notified without undue delay.

Within a breach notification to the supervisory authority, the following information will be outlined:

- The nature of the personal data breach, including the categories and approximate number of individuals and records concerned
- The name and contact details of the DPL
- An explanation of the likely consequences of the personal data breach
- A description of the proposed measures to be taken to deal with the personal data breach
- Where appropriate, a description of the measures taken to mitigate any possible adverse effects

When notifying an individual about a breach to their personal data, TDM will provide specific and clear advice to individuals on the steps they can take to protect themselves and their data, where possible and appropriate to do so.

TDM will ensure all facts regarding the breach, the effects of the breach and any decision-making processes and actions taken are documented in line with the UK GDPR accountability principle and in accordance with the Records Management Policy.

Failure to report a breach when required to do so may result in a fine, as well as a fine for the breach itself.

TDM will work to identify the cause of the breach and assess how a recurrence can be prevented, e.g. by mandating data protection refresher training where the breach was a result of human error.

## **Data Security**

Confidential paper records will be kept in a locked filing cabinet, drawer or safe, with restricted access, and will not be left unattended or in clear view anywhere with general access.

Digital data is coded, encrypted or password-protected, both on a local hard drive and on a network drive that is regularly backed up off-site. Memory sticks will not be used. All electronic devices are password-protected to protect the information on the device in case of theft. Where possible, TDM enables electronic devices to allow the remote blocking or deletion of data in case of theft.

Where possible, staff will not use their personal laptops or computers for TDM purposes. All necessary members of staff are provided with their own secure login and password, and every computer regularly prompts users to change their password.

Emails containing sensitive or confidential information are password-protected if there are unsecure servers between the sender and the recipient. Circular emails are sent blind carbon copy (bcc), so email addresses are not disclosed to other recipients. When sending confidential information staff will always check that the recipient is correct before sending.

Before sharing data, all staff will ensure:

- They are allowed to share it.
- That adequate security is in place to protect it.
- Who will receive the data has been outlined in a privacy notice.

Where personal information that could be considered private or confidential is taken off the premises, either in electronic or paper format, staff will take extra care to follow the same procedures for security, e.g. keeping devices under lock and key. The person taking the information from TDM premises accepts full responsibility for the security of the data.

Under no circumstances are visitors allowed access to confidential or personal information. Visitors to areas of TDM containing sensitive information are supervised at all times.

The physical security of TDM's buildings and storage systems, and access to them, is reviewed on an annual basis. If an increased risk in vandalism, burglary or theft is identified, extra measures to secure data storage will be put in place.

TDM will regularly test, assess and evaluate the effectiveness of any and all measures in place for data security.

TDM takes its duties under the UK GDPR seriously and any unauthorised disclosure may result in disciplinary action. The Business Operations Manager is responsible for continuity and recovery measures are in place to ensure the security of protected data.

When disposing of data, paper documents will be shredded and digital storage devices will be physically destroyed when they are no longer required. ICT assets will be disposed of in accordance with the ICO's guidance on the disposal of ICT assets.

TDM holds the right to take the necessary disciplinary action against a staff member if they believe them to be in breach of the above security measures.

## **Safeguarding**

TDM understands that the UK GDPR does not prevent or limit the sharing of information for the purposes of keeping learners safe.

TDM will ensure that staff have due regard to their ability to share personal information for safeguarding purposes, and that fears about sharing information must not be allowed to obstruct the need to safeguard and protect pupils. The DPL will ensure that staff are:

- Confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information, which is sensitive and personal, and should be treated as 'special category personal data'.
- Aware that information can be shared without consent where there is good reason to do so, and the sharing of information will enhance the safeguarding of a learner in a timely manner.

TDM will ensure that information pertinent to identify, assess and respond to risks or concerns about the safety of a learner is shared with the relevant individuals or agencies proactively and as soon as is reasonably possible. Where there is doubt over whether safeguarding information is to be shared, especially with other agencies, the DSL will ensure that they record the following information:

- Whether data was shared
- What data was shared
- With whom data was shared
- For what reason data was shared
- Where a decision has been made not to seek consent from the data subject or their parent
- The reason that consent has not been sought, where appropriate

TDM will aim to gain consent to share information where appropriate; however, will not endeavour to gain consent if to do so would place a learner at risk. TDM will manage all instances of data sharing for the purposes of keeping a learner safe in line with the Learner Protection and Safeguarding Policy.

Learners personal data will not be provided where the serious harm test is met. Where there is doubt, TDM will seek independent legal advice.

## Publication of Information

TDM will not publish any personal information, including photos, on its website without the permission of the affected individual. When uploading information to TDM website, staff are considerate of any metadata or deletions which could be accessed in documents and images on the site.

## CCTV and Photography

TDM understands that recording images of identifiable individuals constitutes as processing personal information, so it is done in line with data protection principles.

TDM notifies all learners, staff and visitors of the purpose for collecting CCTV images via notice boards, letters and email. Cameras are only placed where they do not intrude on anyone's privacy and are necessary to fulfil their purpose. All CCTV footage will be kept for 7 working days for security purposes; the Business Operations Manager is responsible for keeping the records secure and allowing access.

Before TDM is able to obtain the data of learners or staff, it is required to give notification and obtain consent for this Special Category Data due to additional requirements for processing such data under the Protection of Freedoms Act 2012.

TDM will always indicate its intentions for taking photographs of learners and will retrieve permission before publishing them. If TDM wishes to use images or video footage of learners in a publication, such as TDM website, prospectus, or recordings.

Parents and others attending TDM events are able to take photographs and videos of those events as long as they are for domestic purposes only. Photographs or videos being used for any other purpose are prohibited to be taken by parents or visitors to TDM.

## Cloud Computing

For the purposes of this policy, **'cloud computing'** refers to storing and accessing data and programs, such as documents, photos or videos, over the internet, rather than on a device's hard drive. Cloud computing involves TDM accessing a shared pool of ICT services remotely via a private network or the internet.

All staff will be made aware of data protection requirements and how these are impacted by the storing of data in the cloud, including that cloud usage does not prevent data subjects from exercising their data protection rights.

If the cloud service offers an authentication process, each user will have their own account. A system will be implemented to allow user accounts to be created, updated, suspended and deleted, and for credentials to be reset if they are forgotten, lost or stolen. Access for employees will be removed when they leave TDM.

All files and personal data will be encrypted before they leave a TDM device and are placed in the cloud, including when the data is 'in transit' between the device and cloud. A robust encryption key management arrangement will be put in place to maintain protection of the encrypted data. The loss of an encryption key will be reported to the DPL immediately; failure to do so could result in accidental access or destruction of personal data and, therefore, a breach of the relevant data protection legislation.

As with files on TDM devices, only authorised parties will be able to access files on the cloud. An audit process will be put in place to alert TDM should unauthorised access, deletion or modification occur, and ensure ongoing compliance with TDM's policies for the use of cloud computing.

TDM's usage of cloud computing, including the service's security and efficiency, will be assessed and monitored by the DPL. The DPL will also ensure that a contract and data processing agreement are in

place with the service provider, confirming compliance with the principles of the UK GDPR and DPA. The agreement will specify the circumstances in which the service provider may access the personal data it processes, such as the provision of support services.

The DPL will also:

- Ensure that the service provider has completed a comprehensive and effective self-certification checklist covering data protection in the cloud.
- Ensure that the service provider can delete all copies of personal data within a timescale in line with TDM's Data Protection Policy.
- Confirm that the service provider will remove all copies of data, including back-ups, if requested.
- Find out what will happen to personal data should TDM decide to withdraw from the cloud service in the future.
- Assess the level of risk regarding network connectivity and make an informed decision as to whether TDM is prepared to accept that risk.

## **Data Retention**

Data will not be kept for longer than is necessary. Unrequired data will be deleted as soon as practicable. Some educational records relating to former learners or employees of TDM may be kept for an extended period for legal reasons, but also to enable the provision of references or academic transcripts. Paper documents will be shredded or pulped, and electronic memories scrubbed clean or destroyed, once the data should no longer be retained.

## **DBS Data**

All data provided by the DBS will be handled in line with data protection legislation; this includes electronic communication. Data provided by the DBS will never be duplicated. Any third parties who access DBS information will be made aware of the data protection legislation, as well as their responsibilities as a data handler.

## **Data Use and Access Act 2025 (DUAA) Compliance**

The Development Manager (TDM) is committed to complying with the Data Use and Access Act 2025 (DUAA), which supplements the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. DUAA introduces targeted reforms to modernise and clarify data protection compliance in the UK. The following provisions have been incorporated into TDM's data protection practices:

### **Automated Decision-Making**

TDM may use automated processes to make certain decisions about individuals. In accordance with DUAA, where decisions are made solely by automated means and have legal or similarly significant effects, individuals will:

- Be informed about the use of automated decision-making,
- Have the right to request human intervention,
- Be able to express their point of view and challenge the decision.

### **Recognised Legitimate Interests**

DUAA introduces "recognised legitimate interests" for which a balancing test is not required prior to processing personal data. These include, but are not limited to, direct marketing, security processing, and safeguarding vulnerable individuals. TDM will identify and document when such interests apply.

### **Scientific Research and Broad Consent**

DUAA broadens the definition of scientific research and permits the use of “broad consent” for research purposes. Where personal data is processed for scientific or historical research, TDM will ensure that consent is appropriately obtained and documented, and that data subjects are informed of their rights.

### **Subject Access Requests (SARs)**

DUAA streamlines the process for responding to subject access requests and introduces new exemptions. TDM will process SARs in accordance with the revised requirements, ensuring that individuals are informed of any applicable exemptions and the reasons for them.

### **Cookies and Online Tracking**

DUAA allows certain cookies and similar technologies to be set without explicit user consent, provided they are used for statistical or functional purposes. TDM’s use of cookies will be reviewed regularly to ensure compliance with DUAA and to respect individuals’ rights.

### **International Data Transfers**

DUAA updates the UK’s adequacy framework for international data transfers. TDM will ensure that all transfers of personal data outside the UK comply with the latest legal requirements and that appropriate safeguards are in place.

### **Learner’s Data Protection**

TDM recognises the strengthened requirements for protecting learner’s data under DUAA, particularly in online environments. Additional safeguards will be implemented where processing involves learner’s personal data.

### **Regulatory Oversight**

TDM will monitor guidance and enforcement actions issued by the Information Commissioner’s Office (ICO) under DUAA and will update its policies and procedures as required.

### **Monitoring and Review**

This policy is reviewed annually by the DPL.

### **Data Protection Act Registration**

TDM is registered with the Information Commissioner's Office (ICO) – Registration number **Z1889101** – and details of our registration can be found at:

<http://www.ico.org.uk/ESDWebPages/DoSearch>

Should you have any queries regarding this policy and/or access to the above page please contact TDM's data protection lead: Jonathan Barrett.

### **Document Management**

Document Name and Reference	Data Protection - TDMPP013
Classification	External
Policy Ownership	This policy is owned by all staff at TDM

Policy lead originator and point of contact in relation to its content:	Elizabeth Hoyos-Operations Director Jonathan Barrett -Business Operations Manager
TDM policy and procedure approval	Elizabeth Hoyos-Operations Director
Signature	
Date	09/03/2023

Version Control					
Issue Date	Revision Number*	Revision Date*	Revision Changes*	Initials	Next Revision Date
08/05/12	5	16/03/17	Updating the ICO details, such as relevant link.	EK	
08/05/12	6	30/04/2018	Pg 1 - Entitlements and Duties as a TDM employee Pg 2 and 3 - Mention of TDM Information Security Strategy - Policies and Procedures Pg 3 - Removal of Mahara Page guidance as it contained old address.	EK	
08/05/12	7	26/11/2019	Added links to Information security policies and procedures and confidentiality policy.	EK	
08/05/12	8	21/01/2021	Updated information to reflect new position of business (Covid)	EK BP	
08/05/12	9	20/01/2022	Reviewed- Ensured clarity of processing of clients data is mentioned	EHK	
08/05/12	10	25/05/2022	No Change to policy Updated revision table to align with other documents	BP	May 2022
08/05/12	11	28/11/2022	Checked and updated	AR BP	Nov 2023
09/03/23	12	09/03/2023	Re-written in line with new laws and regulations	JB	March 2024
09/03/23	12	19/03/2024	This policy has been updated in line with 'Keeping children safe in education 2023'.	JB	March 2025
09/03/23	12	08/04/2024	Retention period for CCTV footage set to 7 working days	JB	March 2025
09/03/23	13	20/02/2025	Added: Informing data subjects Information rights requests	JB	March 2026

			Updated: Legal framework Accountability		
09/03/23	14	19/12/2025	Added a section for Data Protection Impact Assessments (DPIAs)	JB	Dec 2026